IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 31ST JULY 2007 / 9TH SRAVANA 1929

OP.No. 3394 of 2001(D)

PETITIONERS:
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1. **THOPPIL GOPALAKRISHNAN,**
   CHAIRMAN, JANAYUGAM
   PUBLICATIONS LTD., KOLLAM.

2. **G.PURUSHOTHAMAN,**
   GENERAL MANAGER, JANAYUGAM
   PUBLICATIONSVLTD., KOLLAM.

BY ADV. SMT.I.SHEELA DEVI

RESPONDENTS:
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1. **UNION OF INDIA, REP.BY SECRETARY TO**
   GOVERNMENT , MINISTRY OF LABOUR,
   GOVERNMENT OF INDIA, NEW DELHI.

2. **CENTRAL BOARD OF TRUSTEES, REP.BY ITS**
   SECRETARY EMPLOYEES PROVIDENT FUND
   ORGANISATION, MINISTRY OF LABOUR,
   GOVERNMENT OF INDIA,
   14 BHIKAJI CONNAUGHT PLACE,
   NEW DELHI 110066.

3. **REGIONAL PROVIDENT FUND COMMISSIONER,**
   THIRUVANANTHAPURAM.

4. **RECOVERY OFFICER(KERALA LAKSHADWEEP AND MAHE)**
   EMPLOYEES PROVIDENT FUNDS,
   BHAVISHYANIDHI BHAVAN
   THIRUVANANTHAPURAM 695 004.

BY ADV. SRI.P.K.RAMKUMAR, ADDL.CGSC
SRI.N.N. SUGUNAPALAN, SC, P.F. - R3 & R4

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 31/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

OP. NO.3394/2001

ORDER ON CMP. NO.5494/2001 IN OP. NO.3394/2001

DISMISSED

31.07.2007 SD/- T.R.RAMACHANDRAN NAIR, JUDGE

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DEMAND NOTICE NO.KR/278/RECOVERY/TVM/97-98 DT. 14.10.97 ISSUED BY THE 4TH RESPONDENT.

EXT.P2:- COPY OF THE REPRESENTATION DT. 9.2.98 BEFORE THE 1ST RESPONDENT SUBMITTED BY THE COMPANY.

EXT.P3:- COPY OF THE COMMUNICATION NO.E-II/7(1)/97/WD/KR DT. 8.9.98 ISSUED BY THE ASST. PROVIDENT FUND COMMISSIONER.

EXT.P4:- COPY OF THE REPRESENTATION DT. 22.10.98 SUBMITTED BY THE COMPANY BEFORE THE CENTRAL GOVERNMENT.

EXT.P5:- COPY OF THE PETITION DT. 28.2.2000 FILED BY THE COMPANY BEFORE THE CENTRAL BOARD OF TRUSTEES.

EXT.P6:- COPY OF THE NOTICE NO./KR/278/RECOVERY/2001/2248 DT. 17.1.01 ISSUED BY THE 4TH RESPONDENT TO THE 1ST PETITIONER.

EXT.P7:- COPY OF THE NOTICE NO.KR/278/RECOVERY2001-2247 DT. 17.1.01 ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER.

EXT.R3(a):- COPY OF THE LETTER DT.24.1.01 FROM CENTRAL OFFICE.

/TRUE COPY/

P.A. TO JUDGE

tss

T.R.RAMACHANDRAN NAIR, J.

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O.P.No.3394 of 2001-D.

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Dated this the 31st day of July, 2007.

J U D G M E N T

The petitioners herein were the Chairman and General Manager of Janayugam Publications Ltd, Kollam. The establishment was a public limited company and were liable under the provisions of the Employees Provident Fund and Miscellaneous Provisions Act for payment of contributions to the Provident Fund. The publication of the newspaper has been stopped on 31.12.1993 and there were arrears towards the provident fund contribution. The authorities had imposed damages under Section 14B of the Act for the delayed payment of the contribution. The total amount thus assessed as damages is Rs.8,02,491/-. Ext.P1 is the demand notice issued showing the above amount. Thereafter the company filed a representation to the Government to waive the amount as per Ext.P2 with a copy to the 2nd respondent also. But by Ext.P3 reply it was informed that the same cannot be considered as it is not permissible in terms of the Act and the scheme. Against Ext.P3 the petitioners have approached the Central Board of Trustees as per Ext.P5. Thereafter this writ petition was filed. It is also clear from the pleadings that Ext.R3(a) produced along with the counter-affidavit of the

respondents 3 and 4 that the Government has accorded payment of the damages in 36 instalments. It is reported that the same have been complied with the petitioners.

2. Therefore what remains is only the prayer of petitioners for the consideration of the request made by the petitioners in Ext.P5. It is the case of the petitioners that so far no orders have been passed on Ext.P5. Therefore, the 2nd respondent will consider and pass orders on Ext.P5 within a period of three months from the date of receipt of a copy of this judgment.

The writ petition is disposed of accordingly. No costs.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-